



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 17, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-1158

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40353.

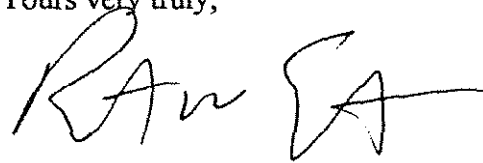
The Texas Department of Public Safety (the "department") received an open records request for the department's "official report" concerning a particular incident involving two Mexican nationals. You state that the requested information is currently the subject of a pending criminal investigation being conducted by the Texas Rangers and that the case is currently being reviewed by the district attorney in Alice, Texas. Additionally, you also inform this office that the district attorney of Wells County is investigating this matter for potential criminal prosecution. You therefore seek to withhold the requested records pursuant to section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, No. 95-1251, 1996 WL 325601 (Tex. June 14, 1996). Because the requested records clearly come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the types of information that are considered to be front page offense report information, regardless of where this information is actually located.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "RWS", followed by a long horizontal flourish.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/RWP/rho

Ref.: ID# 40353

Enclosures: Submitted documents

cc: Mr. Armando Beteta M.  
Consulado de Mexico  
800 N. Shoreline, #410 N.  
Corpus Christi, Texas 78401  
(w/o enclosures)